

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

<b>DAVID FOLKENFLIK; NATIONAL PUBLIC RADIO, INC.; EDITH CHAPIN; LESLIE COOK; and PALLAVI GOGOI,</b>	§ § § § §
<b>Movants,</b>	§
v.	§ <b>Misc. Action No. 3:20-mc-00005-K-BT</b>
<b>KIM SAMS,</b>	§ § §
<b>Respondent.</b>	§

**NPR'S RESPONSE TO ORDER REGARDING TRANSFER (DKT. 5)**

Rule 45(f) permits the Court to transfer a subpoena-related motion when (1) the subpoena recipient consents to the transfer or (2) exceptional circumstances merit transfer. Fed. R. Civ. P. 45(f). Based on filings in the underlying litigation, Movants (collectively, “NPR”) understand that Ms. Sams will consent to transfer of the pending motion to the Eastern District of Texas. *See Butowsky v. Folkenflik*, Case No. 4:18-cv-442-ALM (E.D. Tex.), Dkt. 110 (Pl’s Resp. to Mot. for Sanctions) at p. 3. Further, this District recently transferred a similar motion to compel compliance with a subpoena NPR served on Ms. Sams’s investment advisory business Chapwood Capital Investment Management, LLC (“Chapwood”). *Folkenflik v. Chapwood Capital Investment Management, LLC*, Case No. 3:20-mc-00007-N (N.D. Tex.), Dkt. 12 (Order Transferring Motion). NPR issued subpoenas to both Chapwood and Sams in connection with the same underlying litigation, filed by Chapwood’s founder Edward Butowsky.

Given Ms. Sams’s consent and this Court’s order transferring the Motion to Compel Chapwood, NPR does not oppose transferring this motion to the Eastern District of Texas.

Dated: March 13, 2020

Respectfully Submitted,

By: /s/ David H. Harper

Laura Lee Prather  
State Bar No. 16234200  
laura.prather@haynesboone.com  
Wesley D. Lewis  
State Bar No. 24106204  
wesley.lewis@haynesboone.com

HAYNES AND BOONE, LLP  
600 Congress Avenue, Suite 1300  
Austin, Texas 78701  
Telephone: (512) 867-8400  
Telecopier: (512) 867-8470

David H. Harper  
State Bar No. 09025540  
david.harper@haynesboone.com  
Stephanie N. Sivinski  
State Bar No. 24075080  
stephanie.sivinski@haynesboone.com

HAYNES AND BOONE, LLP  
2323 Victory Ave., St. 700  
Dallas, Texas 75219  
Telephone: (214) 651-5000  
Telecopier: (214) 651-5940

*Attorneys for Movants*

**CERTIFICATE OF SERVICE**

On March 13, 2020 I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. I hereby certify that I have served all counsel and/or *pro se* parties of record electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ David H. Harper